

MINUTES

UTAH PHYSICIAN'S BOARD MEETING

June 4, 2008

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:08 A.M.

ADJOURNED: 10:55 A.M.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Debbie Harry

Board Members Present:

John W. Bennion, Ph.D., Acting Chairperson
James R. Fowler, MD
Michael T. Giovanniello, MD
Kristen Ries, MD
Lori G. Buhler
Elizabeth F. Howell, MD
James H. Pingree, MD
Stephen E. Lamb, MD

Board Members Absent:

George C. Pingree, MD, Chairperson
Marc E. Babitz, MD
Richard J. Sperry, MD

DOPL Staff Present:

David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the May 14, 2008 Board meeting were read.

Dr. Lamb noted that the minutes were well written and captured the information of the meeting and appreciated the quality.

Dr. Ries made a motion to approve the minutes as read. Ms. Buhler seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:20 am

Debbie Harry, Compliance Update

Ms. Harry updated the Board regarding the compliance or non-compliance of probationers.

Ms. Harry reported that **Dr. Darrell Anderson** was confused regarding his scheduled appointment. She stated that he would be scheduled to meet in July based on his meeting in May, 2008.

Ms. Harry reported that **Dr. Layfe Anthony** notified her by e-mail that he would be unable to attend the meeting today as he would be out of town for a couple of weeks.

Ms. Harry reported that **Dr. Danny Purser** is currently out of compliance with his Stipulation and Order as the supervisor evaluations from March 2008 and June 2008 have not been received. Ms. Harry responded that Dr. Purser has a limited practice but is slowly increasing his patient base. She stated that Dr. Purser will be meeting quarterly as he is now working in the field.

Ms. Taxin commented that the Disciplinary Tracking Form indicates that Dr. Purser is to submit audits. She stated that there is currently one audit in his file. Ms. Taxin asked if anyone knows anything about the audit requirement as she could not determine if it is a requirement or not.

The Board responded that they knew nothing about an audit requirement.

Ms. Harry stated that she will review the requirements of the Stipulation again after this meeting to confirm the requirement for the audit.

Ms. Harry reported that **Dr. Alan Heap** met with the Board in May. She stated that the Board will be talking with his supervisor, Dr. Jay Spector, today to be sure he understands his role as supervisor and the expectations of the Board.

Ms. Taxin stated that she talked with Dr. Spector on February 27 and 28, 2008, regarding the discrepancy of the number of patients between Dr. Heap's report and Dr. Spector's report. She stated that she also discussed the expectations of the Board regarding the supervision role and submitting reports for the Board. Ms. Taxin stated that Dr. Spector assured her that he would send a report, however, to date, a report has not been received.

Board members voiced concern regarding a family practitioner supervising a psychiatrist as they are not specialized or practice in the same areas.

Ms. Harry reported that **Dr. Terrell Sellers** is currently out of compliance with his Stipulation and Order as his aftercare report, PIR documentation and 12 step documentation have not been received.

Ms. Harry reported that **Dr. Robert B. Curtis** submitted a report and the Division received a letter from Texas documenting Dr. Curtis completing his probation there.

Ms. Taxin read the facts of Dr. Curtis's case in Texas.

Dr. Lamb made a motion to terminate Dr. Curtis's probation in Utah based on Dr. Curtis completing the terms of his probation in Texas. Dr. Fowler seconded the motion. The Board vote was unanimous.

9:30 am

Dr. Danny Purser, Probationary Interview

Dr. Purser met for his probationary interview.

Division staff were introduced.

Dr. Bennion conducted the interview.

Dr. Purser reported that he is still working with patients who have menopause issues, who have plastic surgery and healing problems. He stated that he limits his practice to 1 or 2 patients a day but occasionally does see a few more. Dr. Purser stated that he is rarely

in the volunteer clinic. He reported that his health is doing better and he would like to complete a residency program.

Dr. Bennion informed Dr. Purser that the March 2008 supervisor report has not been received.

Ms. Harry informed Dr. Purser that his reports are due on a quarterly basis. She asked if the March information was included in the report that was submitted.

Dr. Bennion reviewed the report and noted that it included December through present. Dr. Bennion commented that the report is thorough and indicates Dr. Purser has been working well within the requirements of his Stipulation and Order.

Ms. Taxin stated that the report will meet the requirement. She asked Dr. Purser to talk with his supervisor to be sure he understands that the reports are due quarterly.

Dr. Purser notified the Board that he will be adding one more office day to his Utah Valley schedule.

Based on receiving the report, the Board determined Dr. Purser is currently in compliance with his Stipulation and Order.

An appointment was made for Dr. Purser to meet again September 10, 2008.

Ms. Harry requested Dr. Purser to be sure his paperwork is received by August 28, 2008 in order to prepare the information for the Board to review.

10:00 am

Dr. Jay Spector, Supervisor for Dr. Allan Heap, Telephonic Supervision Expectations Interview

Dr. Spector telephonically met to discuss the Board's supervision expectations of Dr. Heap.

Board members and Division staff were identified for Dr. Spector.

Dr. Fowler conducted the interview.

Dr. Fowler expressed the appreciation of the Board regarding Dr. Spector supervising Dr. Heap. He explained that the Board had concerns regarding the number of patient's Dr. Heap is seeing, Dr. Spector's understanding of his responsibilities as a supervisor, reviewing charts and conducting evaluations for the Board. He stated that the Board has not received some reports and he asked Dr. Spector to update the Board regarding Dr. Heap and his practice.

Dr. Spector responded that he faxed some information to Division in May regarding Dr. Heap but will fax it again right now. He stated that Ms. Taxin was requested to write a letter to the insurance companies regarding Dr. Heap as he had been dropped as a provider. He stated that the letter had no affect. Dr. Spector stated that Dr. Heap has been depressed over his situation and had a heart attack in April. He referred the Board to the letter he wrote last year and stated that the letter completely relates to his current thoughts. Dr. Spector informed the Board that he and Dr. Heap try to meet once a week to review random current patient charts and all new patient charts.

Dr. Fowler stated that the Division and Board have no control over the insurance companies but he is aware of some companies that retain probationers on their panels. He stated that the Board and Division are required to protect the public. Dr. Fowler stated that at Dr. Heap's last appointment with the Board he voiced concern regarding the large number of patients he was seeing a hardship it would be for Tooele if he were not there. He asked Dr. Spector if Dr. Heap has discussed the possibility of his retiring.

Dr. Spector responded that he believes Dr. Heap's depression is affecting his decision making but he has not specifically stated that he plans to retire.

Dr. Fowler informed Dr. Spector that the Division just received his current fax. He stated that it appears that Dr. Spector has reviewed a number of charts.

Dr. Spector asked if the reports are what the Board is wanting as he has not been clear in the past regarding what the Board wants him to review in the charts. He reminded the Board that his practice is family medicine and not psychiatry. He stated that the majority of Dr. Heap's patients are doing great with Dr. Heap and there does not appear to be any problems at this time. He stated that he does not have access to the total number of patients Dr. Heap is currently seeing. He stated that a few months ago Dr. Heap cancelled some days to come into the office as there were no patients to see.

Dr. Fowler thanked Dr. Spector for the information and stated that the reports are helpful to the Board's evaluation of Dr. Heap. He stated that the reports meet the expectations of the Board.

Dr. Bennion asked if Dr. Spector believes he is handicapped in reviewing information in a different specialty.

Dr. Fowler stated that it would be ideal to have a supervisor in the same specialty but he is the only psychiatrist in Tooele and the supervisor has to be someone in the community.

Ms. Taxin asked if Dr. Spector believes Dr. Heap's charts are easy to read, if the flow of information is accurate and if the prescribed medications are appropriate.

Dr. Spector responded that he believes Dr. Heap has made some changes in regard to his charting based on Dr. Spector's recommendations. He stated that he also believes Dr. Heap has been more careful in his prescribing.

Ms. Taxin and the Board voiced their thanks to Dr. Spector for supervising Dr. Heap.

The phone call was terminated.

Ms. Harry informed the Board that Dr. Heap needs to provide the self assessment form and documentation of completing the required CE.

Dr. Fowler asked Ms. Harry to send a note to Dr. Spector to thank him for supervising Dr. Heap and to encourage him to continue as he has been doing. He asked her to ask Dr. Spector to indicate patients by initials rather than by name.

10:15 am

Dr. Terrell Sellers, Probationary Interview

Dr. Sellers met for his probationary interview.

Dr. Lamb conducted the interview.

Dr. Lamb reminded the Board that Dr. Seller's probation is for 6 years due to additional issues.

Dr. Sellers stated that he got his reports ready to bring with him and then forgot them. He stated that he is still working at the medical spas and at A & D Counseling. He explained that he enrolled in classes to obtain his Substance Abuse Counselor License (LSAC). He stated that he is currently completing the required experience hours to apply for his license.

Ms. Taxin informed Dr. Sellers that he must have the Certified Substance Abuse Counselor (CSAC) license to collect the hours as it is unlawful to practice substance abuse counseling without the license. She recommended he contact Rich Oborn, the Bureau Manager, regarding licensing requirements.

Dr. Sellers responded that he does not tell anyone he is a physician but he does sign all notes and letters with his name and MD.

Following additional discussion, the Board and Ms. Taxin informed Dr. Sellers that the practice of substance abuse counseling is not within his scope of practice while he is unable to practice as a physician and he should not use the MD behind his name as it implies he is functioning as a physician. They also encouraged him to become licensed as a CSAC soon as possible in order to lawfully be engaged in the practice of substance abuse counseling.

Dr. Sellers stated that he will check into the license

process. He then informed the Board that, as the medical director at the spa, he is performing the procedures and supervising the Estheticians in laser treatments.

An appointment was made for Dr. Sellers to meet again September 10, 2008.

Ms. Harry requested all required paperwork be submitted by August 28, 2008 to give her time to prepare the information for the Board meeting.

Dr. Lamb requested information be included in Dr. Sellers file regarding the requirement of a CSAC license to practice substance abuse counseling and that he should not be using the letters MD behind his name while practicing substance abuse counseling.

Ms. Taxin responded that she will send a letter to Dr. Seller and put a copy in his file.

DISCUSSION ITEMS:

Re-Review type/language changes in the March 12, 2008 minutes

Ms. Taxin explained that there were a couple of areas that needed the language changed to be appropriate.

Dr. Bennion signed and dated the March 12, 2008 minutes as the acting chairperson.

Dr. Howell

Dr. Howell informed Ms. Taxin that she is affiliated with the Utah School of Alcoholism and the recovery assistance program. She offered to send Ms. Taxin information regarding the program to assist those with addiction problems. She stated that the program would be used for CME.

Ms. Taxin thanked Dr. Howell and will look for the information.

Ms. Harry commented that everyone in the Diversion program is required to complete the program.

Self Reporting form

Ms. Taxin stated that there are several Stipulations and Orders that require the probationer to complete a self reporting form. She stated that a self reporting form is not necessary if the probationer is consistently meeting with the Board. Ms. Taxin stated that she is in the process of amending some of the questions on the form. She stated that she believes it should not be included in some of the new Stipulations.

The Board agreed that a Stipulation and Order should be amended stating the report is not necessary unless the probationer is not meeting with the Board.

CORRESPONDENCE:

Drexel Medicine Physician Refresher/Re-Entry Course Brochure

Ms. Taxin explained that information was received from Drexel Medicine regarding a Physician refresher/re-entry course. She stated that if the Board determines the information is appropriate she will include it in her file of options for CE.

Dr. Ries responded that the school was started in the 1970's or 1980's and would be a good option for CE.

The Board concurred.

ACCME Accreditation Review Committee Request

The Board reviewed the information. **No action was taken.**

FYI

Dr. James Pingree notified the Board that today would be Dr. Giovanniello's last meeting.

Dr. Giovanniello commented that Dr. Pingree is correct. He stated that being a Board member has been a good experience for him. He stated that the experience will be of help to him for the rest of his career and he appreciated the experience.

Ms. Taxin and Board members thanked Dr. Giovanniello for his service.

Chairperson

Dr. Lamb reminded the Board and Ms. Taxin that the Board previously voted for Dr. Babitz to step in as the

chairperson July 1, 2008. He explained that the Board usually designates the next chairperson and co-chairperson in order for the national organization to have the information for upcoming conferences and meetings.

NEXT MEETING SCHEDULED FOR:

July 9, 2008

ADJOURN:

Motion to adjourn by Dr. Ries. Ms. Buhler seconded the motion. **The Board vote was unanimous.**

The time is 10:55 am and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

July 9, 2008
Date Approved

(ss) Marc Babitz, MD
Chairperson, Utah Physician's Licensing Board

June 11, 2008
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing